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#10/Election  
12-17-02  
PATENT APPLICATION *C Moore*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
TOSHIHIKO MIYAZAKI ET AL. )  
Application No.: 09/705,957 )  
Filed: November 6, 2000 )  
For: IMAGE FORMATION )  
APPARATUS )  
November 25, 2002

Commissioner for Patents  
Washington, D.C. 20231

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RESPONSE TO RESTRICTION AND ELECTION REQUIREMENT

Sir:

This Response is filed in response to the Office Action (Paper No. 9) dated October 23, 2002, which set forth a one month period for reply ending on Sunday, November 23, 2002. In response to that Office Action, Applicants provisionally elect, without traverse, Group I (Claims 1, 2, 23-25, and 40), and Species 2, upon which Claims 23-25 and 40 read, for initial prosecution on the merits.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on November 25, 2002.

(Date of Deposit)

FRANK A. DeLUCIA

(Name of Attorney for Applicant)

*Frank A. DeLucia*  
Signature

November 25, 2002

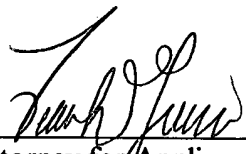
Date of Signature

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For the record, Applicants note that the Office Action includes a number of apparent errors. For example, the Office Action incorrectly lists Group "VII" twice on page 2 (it appears that the second listing should read "VIII" instead). Also, Claim 25 is not mentioned explicitly as belonging to any of the Groups listed on page 2 of the Office Action. However, page 4 of the Office Action discusses Claim 25 as belonging to Species 2 of Group I. Also, the reference to Claim "34" in the description of Group II on page 2 of the Office Action apparently should refer to Claims 3 and 4 instead, since Claims 3 and 4 are not otherwise mentioned on page 2 and Claim 34 already is indicated as belonging to Group VIII.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
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Attorney for Applicants

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